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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,385	01/30/2001	Richard Gibbons	087685.00002	2570

33448 7590 03/18/2004

ROBERT J. DEPKE LEWIS T. STEADMAN
HOLLAND & KNIGHT LLC
131 SOUTH DEARBORN
30TH FLOOR
CHICAGO, IL 60603

EXAMINER

,D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,385

Applicant(s)

GIBBONS ET AL.

Examiner

Stephen M. D'Agosta

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4 and 18-21 rejected under 35 U.S.C. 102(e) as being anticipated by McKenna US 6,252,519.

As per **claims 1 and 18**, McKenna teaches a method for alerting vehicles to the presence of an emergency vehicle (title) comprising steps of:

Transmitting a signal which indicates the presence of an emergency vehicle to a plurality of vehicles

Receiving the signal in a vehicle traveling near an emergency vehicle

Generating an alarm signal which indicates the presence of the emergency vehicle (abstract, figures 1-2 and C2, L55-65).

As per **claims 2 and 19**, McKenna teaches claim 1/18 and the alarm being a flashing light (C3, L11-15 teaches indicator which flashes).

As per **claims 3 and 20**, McKenna teaches claim 1/18 **but is silent on** the alarm being a recorded/stored message.

Kimball teaches an emergency warning system that has a repetitive recorded message alarm (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify McKenna, such that the alarm message is recorded/stored, to provide important feedback to the vehicle that an emergency vehicle is nearby (eg. message can distinguish different types of emergency vehicles, how many vehicles, etc.).

As per **claims 4 and 21**, McKenna teaches claim 1/20 wherein the alarm is an audible tone (C2, L61-65 teaches audible response).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna and further in view of Kimball et al. US 3,710,313.

As per **claims 5 and 22**, McKenna teaches claim 1/18 **but is silent on** the signal comprised of a step of receiving the signal with a receiver that receives FM radio signals.

Kimball teaches an emergency warning system that uses an FM transmitter (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify McKenna, such that FM radio signal is used, to provide means for the vehicle's radio to be used since it already has an FM receiver (and is a cheap(er) RF technology).

Claims 6-17 and 23-36 rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna and further in view of Ribnick et al. US 3,997,868 and Gross et al. US 6,326,903.

As per **claims 6, 12, 23 and 29**, McKenna teaches a method for alerting vehicles to the presence of an emergency vehicle comprising the steps of:

Receiving the signal in a vehicle traveling near an emergency vehicle and

Generating an alarm signal which indicates the presence of the emergency vehicle (abstract, figures 1-2 and C2, L55-65).

But is silent on

Transmitting a signal which indicates the location of an emergency vehicle to a plurality of vehicles.

Ribnick teaches an emergency vehicle warning system that can indicate relative proximity and direction of the emergency vehicle in relation to a non-emergency vehicle (abstract) which reads on the claim.

The examiner also takes OFFICIAL NOTICE that GPS transceivers are known in the art and would provide a more accurate location of the emergency vehicle which would be transmitted to said non-emergency vehicle AND **Gross** teaches a more comprehensive alternative is the use of GPS for precise location of a number of emergency vehicles which can be quickly and accurately determined and circulated among the vehicles for display to vehicle operators. One aspect of the GPS system that justifies the cost is that relative locations of other emergency vehicles that can cause potential collisions can be displayed for each emergency vehicle operator. As a result, each operator is better able to identify potential trouble much more quickly, and take appropriate measures. Further, the cost for commercial GPS devices has become substantially modest so that individuals can use such devices in order to be easily located almost anywhere on the planet. The addition of GPS to the transceiver (and the controller for the transceiver as described infra) is relatively easy, and would be apparent to any individual skilled in the various uses of GPS (C5, L14-35).

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With further regard to claims 12 and 29, McKenna is silent on transmitting a signal which indicates the location and direction of the emergency vehicle. Ribnick teaches relative proximity and direction (abstract) which reads on the claim.

It would have been obvious to one skilled in the art at the time of the invention to modify McKenna, such that location is transmitted, to provide the user with an exact location/direction that the emergency vehicle is traveling from so the user doesn't have to check all mirrors to find said vehicle.

As per **claims 7, 13, 24 and 30**, McKenna teaches claim 6/12/23/29 and the alarm being a flashing light (C3, L11-15 teaches indicator which flashes).

As per **claims 8, 14, 25 and 31**, McKenna teaches claim 6/12/23/29 **but is silent on** the alarm being a recorded/stored message.

Kimball teaches an emergency warning system that has a repetitive recorded message alarm (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify McKenna, such that the alarm message is recorded/stored, to provide important feedback to the vehicle that an emergency vehicle is nearby (eg. message can distinguish different types of emergency vehicles, how many vehicles, etc.).

As per **claims 9, 15, 26 and 32**, McKenna teaches claim 6/12/23/29 wherein the alarm is an audible tone (C2, L61-65 teaches audible response).

As per **claims 10, 16, 27 and 33**, McKenna teaches claim 6/12/23/29 **but is silent on** the signal comprised of a step of receiving the signal being FM radio signals.

Kimball teaches an emergency warning system that uses an FM transmitter (abstract).

It would have been obvious to one skilled in the art at the time of the invention to modify McKenna, such that FM radio signal is used, to provide means for the vehicle's radio to be used since it already has an FM receiver as well as it being a cheap(er) RF technology.

As per **claims 11, 17, 28 and 34**, McKenna teaches claim 6/12/23/29 **but is silent on** wherein the location information is comprised of GPS data.

The examiner also takes OFFICIAL NOTICE that GPS transceivers are known in the art and would provide a more accurate location of the emergency vehicle which would be transmitted to said non-emergency vehicle AND Gross teaches a more comprehensive alternative is the use of GPS for precise location of a number of emergency vehicles which can be quickly and accurately determined and circulated among the vehicles for display to vehicle operators. One aspect of the GPS system that justifies the cost is that relative locations of other emergency vehicles that can cause potential collisions can be displayed for each emergency vehicle operator. As a result, each operator is better able to identify potential trouble much more quickly, and take appropriate measures. Further, the cost for commercial GPS devices has become substantially modest so that individuals can use such devices in order to be easily located almost anywhere on the planet. The addition of GPS to the transceiver (and the controller for the transceiver as described infra) is relatively easy, and would be apparent to any individual skilled in the various uses of GPS (C5, L14-35).

It would have been obvious to one skilled in the art at the time of the invention to modify McKenna, such that GPS data is used, to provide an exact position/location of the emergency vehicle (user doesn't have to guess as to where the emergency vehicle is traveling from and check all mirrors).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. Jackson US 5,235,329
2. McKenna US 5,495,243
3. Prevulsky et al. US 5,307,060
4. Fortune et al. US 5,623,429
5. Marin US 5,825,304
6. Graham et al. US 5,572,201
7. Darnall US 6,417,782
8. Smith US 6,160,493
9. Henry et al. US 6,094,148
10. Markow US 6,087,961
11. Hartzell US 5,926,112
12. Mulanax US 5,808,560
13. Barsh et al. US 3,673,560

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist on 703-306-0377.

SMD



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600